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First Named Inventor	Timothy G. Deboer
Art Unit	2191
Examiner Name	Khatri, Anil
Attorney Docket Number	CA920010048US1

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In re Application of: Deboer et al.

Serial No.:	10/064,011	Group Art Unit:	2191
Filed:	06/04/2002	Examiner:	Khatri, Anil

Title: Server Configuration Versioning Tool

Commissioner for Patents
P.O. Box 1450
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BRIEF ON APPEAL

(1) REAL PARTY IN INTEREST

International Business Machines Corporation is the real party in interest as assignee of the subject application.

(2) RELATED APPEALS AND INTERFERENCES

None known.

Claims 1 -25 (the claims at issue) are pending in the above-identified patent application and were rejected under 35 U.S.C. §102(e) as being anticipated by Lucas et al. (U.S. Patent No. 6,865,737) in a final office action dated May 14, 2006. The final rejection of the claims at issue is hereby appealed.

(4) STATUS OF AMENDMENTS

On April 14, 2006, Appellants filed an amendment after final. On June 20, 2006 an advisory action refusing to enter the amendment was issued.

(5) SUMMARY OF THE CLAIMED SUBJECT MATTER

Summary of the claimed subject matter of Claim 1

The present invention, as set forth in claim 1, and as described and shown in the specification and the Figures of the above-identified patent application, is directed to a method for executing an application on a plurality of servers [specification page 14, lines 7-9]. The method comprises: transferring to said plurality of servers a package [specification page 12, lines 7-9], said package comprising said application and server configuration data [specification page 11, lines 10-21], said server configuration data comprising data to configure said server for said application [specification page 11, lines 15-17]; configuring said server with said server configuration data [specification page 5, lines page 15, lines 25-27]; and executing said server and said application [page 5, line 25], wherein the server configuration data transferred to the plurality of servers is the same for each server [specification page 12, lines 9-10, page 13, lines 21-24, page 14, lines 7-10, page 15, lines 13-16, page 16, lines 6-16].

Summary of the claimed subject matter of Claim 8

The invention, as set forth in claim 8, and as described and shown in the specification and the Figures of the above-identified patent application, is directed to a method of preparing an application [specification page 5, lines 26-27]. The method comprises steps of: packaging files composing said application with server configuration data [specification page 5, line 28], and providing said server configuration data with one or more server configuration files [page 6, line 1], each of said one or more server configuration files adapted to configure a plurality of servers to execute said application [specification page 6, lines 2-3] where the server configuration data is the same for each of the plurality of servers [specification page 12, lines 9-10, page 13, lines 21-24, page 14, lines 7-10, page 15, lines 13-16, page 16, lines 6-16].

Summary of the claimed subject matter of Claim 15

The invention, as set forth in claim 15, and as described and shown in the specification and the Figures of the above-identified patent application, is directed to a versioning tool for preparing an application [specification page 6, line 5]. The tool comprises program code for packaging files composing said application with server configuration data [specification page 6, lines 6-7], wherein said server configuration data is provided with one or more server configuration files [specification page 6, lines 7-8], each of said one or more server configuration files adapted to configure a plurality of servers to execute said application [specification page 6, lines 9-10, page 16, 5-13], wherein the package transferred to the plurality of servers is the same for each of the plurality of servers [page 12, lines 9-10, page 13, lines 21-24, page 14, lines 7-10, page 15, lines 13-16, page 16, lines 6-16].

Summary of the claimed subject matter of Claim 16

The invention, as set forth in claim 16, and as described and shown in the specification and the Figures of the above-identified patent application, is directed to a method of versioning server configuration files [specification page 6, line 11]. The method comprises the steps of: within a package comprising an application associating a version of a server configuration file with said application [specification page 6, lines 12-13], said version of a server configuration file adapted to configure a plurality of servers [specification page 6, line 14, and page 16, lines 10-12] to process said application, and transferring the same server configuration data to each of the plurality of servers [specification page 12, lines 9-10, page 13, lines 21-24, page 14, lines 7-10, page 15, lines 13-16, page 16, lines 6-16].

Summary of the claimed subject matter of Claim 20.

The invention, as set forth in claim 20, and as described and shown in the specification and the Figures of the above-identified patent application, is directed to a computer readable medium storing data and instructions [specification page 6, line 16], said data and instructions adapting a computer system to: transfer to said plurality of servers a package, said package comprising said application and server configuration data [specification page 6, lines 17-], said server configuration data comprising data to configure said servers for said application [specification page 6, lines 19-20]; configure said servers with said server configuration data [specification page 6, lines 20-21]; and execute said servers and said application wherein the server

configuration data is the same for each of the plurality of servers [specification page 12, lines 9-10, page 13, lines 21-24, page 14, lines 7-10, page 15, lines 13-16, page 16, lines 6-16].

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The ground of rejection to be reviewed on appeal is whether the Examiner erred in rejecting claims 1-25 under 35 U.S.C. §102(e) as being anticipated by Lucas (U.S. Patent Number 6,865,737).

(7) ARGUMENT

Rejection of Claims 1-25 Under 35 U.S.C. §§102(e)

Claims 1-25 were rejected under 35 U.S.C. §§102(e) as being anticipated by Lucas (U.S. Pat. No. 6,865,737). For a reference to anticipate a claim, each element and limitation of the claim must be found in a reference. *Hoover Group, Inc. v. custom Metalcraft, Inc.*, 66 F.3d 299, 302 (Fed. Cir. 1995). Lucas does not disclose all of the elements of the claims.

Lucas provides for installation of computer software in a "selected one" of a number of server computing systems using an installation template. [Lucas, col. 1, lines 33-38]. The template is modified according to server-specific information. The modified computer software is installed on the selected server computer. [Lucas, col. 1, lines 38-45].

Rejection of Claims 1-7 and 20-25.

For purposes of this appeal only claims 1 and its dependent claims (2-7) stand or fall together. Claim 20 is an article of manufacture counterpart to claim 1 and contains the limitations argued herein and hence it and its dependent claims (21-25) stand or fall together with claim 1. Claim 1 which is representative of this group reads:

1. A method for executing an application on a plurality of servers, said method comprising: transferring to said plurality of servers a package, said package comprising said

application and server configuration data, said server configuration data comprising data to configure said server for said application;

configuring said server with said server configuration data; and

executing said server and said application, wherein the server configuration data transferred to the plurality of servers is the same for each server.

Claim 1 is not anticipated by Lucas because Lucas does not teach or suggest the following. Lucas does not teach or suggest the step of "transferring to said plurality of servers a package, said package comprising said application and server configuration data... wherein the server configuration data transferred to the plurality of servers is the same for each server." The Examiner cited the summary of the invention of Lucas as teaching these limitations but that part of Lucas says nothing about transmitting neither application nor configuration data to a plurality of servers. The Examiner contends that Lucas teaches sending configuration data to a plurality of servers at col. 2, lines 12-13. However, that part of Lucas actually discusses sending a plurality of different versions to a plurality of servers, not a single package comprises the same configuration data for each server in the plurality as is specific in claim 1. As noted above, the part of Lucas cited (summary at lines 42-45) actually teaches a master server retrieving server-specific information for the selected server and substituting the server-specific information into the template and transporting the template with the server-specific information to the selected server. Lucas does not teach sending the same configuration data to the plurality of servers as claimed. Therefore, in Lucas the specific information varies from server to server. See col. 1, lines 40-45.

Rejection of Claims 8-15

For purposes of this appeal only claim 8 and its dependent claims (9-15) stand or fall together. Claim 8 which is representative of this group reads:

8. A method of preparing an application said method comprising steps of:

packaging files composing said application with server configuration data, and

providing said server configuration data with one or more server configuration files, each of said one or more server configuration files adapted to configure a plurality of servers to execute said application where the server configuration data is the same for each of the plurality of servers.

execute said application where the server configuration data is the same for each of the plurality of servers.

This claim also requires transmitting the same server configuration data to a plurality of servers. Lucas does not teach this limitation. As noted above, Lucas teaches sending server-specific information to each server. In other words each set of information sent is specific to the server to which it is sent. Claim 8 requires that each package sent include one or more configuration files but it is the same package sent to all servers. Claim 15 is essentially a versioning tool counterpart of claim 8 that includes the limitation that the package transferred to the plurality of servers is the same for each server.

Rejection of Claims 16-19.

Claim 16 is similar to claim 1 but specifies that the package comprises a version of a server configuration file adapted to configure a plurality of servers and includes the limitation of transferring the same server configuration data to a plurality of servers. As discussed herein, Lucas sends a modified template to a target server that is specific to that server. Therefore, Lucas does not anticipate claim 16. Claims 17 -19 are dependent on claim 16 and hence for purposes of this appeal only stand and fall with claim 16.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reversals of the final rejection and allowance of the claims are requested.

Respectfully submitted,

Date: July 18, 2006

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(8) CLAIMS APPENDIX

1. A method for executing an application on a plurality of servers, said method comprising:

transferring to said plurality of servers a package, said package comprising said application and server configuration data, said server configuration data comprising data to configure said server for said application;

configuring said server with said server configuration data; and

executing said server and said application, wherein the server configuration data transferred to the plurality of servers is the same for each server.

2. The method of claim 1 wherein said server configuration data comprises one or more server configuration files; and wherein the configuring step further comprises steps of:

selecting one of said one or more server configuration files; said selected one adapted to configure said server; and

configuring said server with said selected one of said one or more server configuration files.

3. The method of claim 2 further comprising a step of providing some of said one or more server configuration files with versions of one server configuration file.

4. The method of claim 3 further comprising a step of providing each of said versions of said one server configuration file with data associating said each of said versions with a version of said application.

5. The method of claim 3 further comprising a step of providing said application with data associating said application with at least one of said versions of said one or more server configuration files.

6. The method of claim 2 further comprising a step of providing at least one of said one or more server configuration files with a first server configuration file adapted to configure a first server and further comprising a step of providing another of said one or more server configuration files with a second server configuration file adapted to configure a second server.

7. The method of claim 2 further comprising a step of providing at least one of said one or more server configuration files with a first server configuration file adapted to configure a first server for execution on a first computer system platform and further comprising a step of providing another of said one or more server configuration files with a second server configuration file adapted to configure said first server for execution on a second computer system platform.

8. A method of preparing an application said method comprising steps of:

packaging files composing said application with server configuration data, and

providing said server configuration data with one or more server configuration files, each of said one or more server configuration files adapted to configure a plurality of servers to execute said application where the server configuration data is the same for each of the plurality of servers.

9. The method of claim 8 wherein said configuring step further comprising steps of providing: selecting one of said one or more server configuration files; said selected one adapted to configure said server; and configuring said server with said selected one of said one or more server configuration files.

10. The method of claim 9 further comprising a step of providing some of said one or more server configuration files with versions of one server configuration file.

11. The method of claim 10 further comprising a step of providing each of said versions of said one server configuration file with data associating said each of said versions with a version of said application.

12. The method of claim 10 further comprising a step of providing said application with data associating said application with at least one of said versions of said one or more server configuration files.

13. The method of claim 9 further comprising a step of providing at least one of said one or more server configuration files with a first server configuration file adapted to configure a first server and further comprising a step of providing another of said one or more server configuration files with a second server configuration file adapted to configure a second server.

14. The method of claim 9 further comprising a step of providing at least one of said one or more server configuration files with a first server configuration file adapted to configure a first server for execution on a first computer system platform and further comprising a step of providing another of said one or more server configuration files with a second server configuration file adapted to configure said first server for execution on a second computer system platform.

15. A versioning tool for preparing an application, said tool comprising:

program code for packaging files composing said application with server configuration data, wherein said server configuration data is provided with one or more server configuration files, each of said one or more server configuration files adapted to configure a plurality of servers to execute said application, wherein the package transferred to the plurality of servers is the same for each of the plurality of servers.

16. A method of versioning server configuration files, said method comprising the steps of: within a package comprising an application associating a version of a server configuration file with said application, said version of a server configuration file adapted to configure a plurality of servers to process said application, and transferring the same server configuration data to each of the plurality of servers.

17. The method of claim 16 further comprising a step of providing said associating with embedding association data within said version of said server configuration file linking said version of said server configuration file with said application.

18. The method of claim 16 further comprising a step of providing said associating with embedding association data with said application linking said application with at least one of said plurality of versions of said server configuration file.

19. The method of claim 17 further comprising a step of providing said package further with said version of said server configuration file.

20. A computer readable medium storing data and instructions, said data and instructions adapting a computer system to:

transfer to said plurality of servers a package, said package comprising said application and server configuration data, said server configuration data comprising data to configure said servers for said application;

configure said servers with said server configuration data; and execute said servers and said application wherein the server configuration data is the same for each of the plurality of servers.

21. The computer readable medium of claim 20 wherein said server configuration data comprises one or more server configuration files; and wherein said adaptation to configure comprises adapting said computer system to:

select one of said one or more server configuration files; said selected one adapted to configure a plurality of servers; and

configure said plurality of servers with said selected one of said one or more server configuration files.

22. The computer readable medium of claim 21 wherein some of said one or more server configuration files comprise versions of one server configuration file.

23. The computer readable medium of claim 22 wherein each of said versions of said one server configuration file comprises data associating said each of said versions with a version of said application.

24. The computer readable medium of claim 22 wherein said application comprises data associating said application with at least one of said versions of said one or more server configuration files.

25. The computer readable medium of claim 21 wherein at least one of said one or more server configuration files comprises a first server configuration file adapted to configure a first server and wherein another of said one or more server configuration files comprises a second server configuration file adapted to configure a second server.

(9) EVIDENCE APPENDIX

NONE.

(10) RELATED PROCEEDINGS APPENDIX

NONE

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